

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

STAR NEWS DIGITAL MEDIA, INC.,
MICHAEL PATRICK LEAHY, and
MATTHEW D. KITTLE,

Plaintiffs,

v.

FEDERAL BUREAU OF
INVESTIGATION,

Defendant.

Civil Action No. 3:23-cv-00467-AAT

**JOINT MOTION FOR LEAVE TO CONSOLIDATE SUMMARY
JUDGMENT BRIEFING, ENLARGE BRIEFING PAGE LIMITS, AND
TO STAY ALL OTHER CASE DEADLINES**

Pursuant to Local Rule 7.01(a)(2), the Parties in the above-captioned Freedom of Information Act (“FOIA”) case respectfully move for leave to file briefs exceeding the twenty (20) pages authorized by this Court, and to stay all other case deadlines.

Specifically, the Parties seek leave for: (1) Defendant to file a single, consolidated memorandum of law not to exceed twenty-five (25) pages in support of its cross-motion for summary judgment and opposition to Plaintiffs’ motion for summary judgment, ECF No. 20; (2) Plaintiffs to file within 21 days a single, consolidated memorandum of law not to exceed twenty-five (25) pages as a reply in support of their motion for summary judgment and in opposition to Defendant’s cross-motion for summary judgment; and (3) Defendant to file within 7 days a reply not to exceed ten (10) pages in support of Defendant’s cross-motion for summary judgment.

The Parties’ proposed enlargement of the page limits is warranted given the circumstances of summary judgment in this FOIA action. Rather than require Defendant to file a memorandum of law in opposition to Plaintiffs’ motion for summary judgment not to exceed twenty (20) pages and a second memorandum of law of equal length in support of Defendant’s cross-motion for

summary judgment, Defendant seeks leave to file a single, consolidated brief that will result in fewer pages of submissions. The briefing proposal would similarly allow Plaintiffs to file a consolidated reply and opposition brief to avoid burdening the Court with a duplicative opposition and reply. Because FOIA cases are generally resolved on competing motions for summary judgment, *ACLU of Mich. v. FBI*, 734 F.3d 460, 465 (6th Cir. 2013), this consolidated briefing arrangement is standard in such cases. See, e.g., *Leopold v. Dep't of Treas.*, 16-cv-1827, (Minute Order) (D.D.C Apr. 7, 2017) (directing similar consolidated briefing).

The Parties' request to stay all other case deadlines is also warranted. The current deadline for a Rule 26(f) conference is July 17, 2023, which falls in the middle of summary judgment briefing. Because the Parties believe that this FOIA case can be resolved on summary judgment, as FOIA cases generally are, *ACLU of Mich.*, 734 F.3d at 465, Party and judicial resources are best conserved by staying all other case deadlines.

Dated: June 29, 2023

Respectfully submitted,

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I hereby certify that on this date, I caused a true and correct copy of the Parties' joint motion to consolidate briefing and enlarge briefing page limits by filing it with the Court's CM/ECF system.

/s/ Alexander W. Resar

Trial Attorney

U.S. Department of Justice

Counsel for Defendant